

RESOLUTION NO. R-2016- 0002

RESOLUTION APPROVING ZONING APPLICATION CA-2015-01730  
(CONTROL NO. 2014-00206)  
a Class A Conditional Use  
APPLICATION OF KBHS Reo LLC  
BY Urban Design Kilday Studios, AGENT  
(Sunspire Health Type 3 CLF)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider applications relating to zoning;

WHEREAS, the notice and public hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067 as amended)(ULDC), have been satisfied;

WHEREAS, Zoning Application CA-2015-01730 was presented to the Board of County Commissioners at a public hearing conducted on January 7, 2016;

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the Applicant and other interested parties, the recommendations of the various County Review Agencies, and the recommendation of the Zoning Commission;

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the Palm Beach County ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the Palm Beach County ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

WHEREAS, THE BOARD OF COUNTY COMMISSIONERS hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a Class A Conditional Use; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the Palm Beach County ULDC requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Application CA-2015-01730, the application of KBHS Reo LLC, by Urban Design Kilday Studios, Agent, for a Class A Conditional Use to allow a Type 3 Congregate Living Facility, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on January 7, 2016, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick moved for the approval of the Resolution.

The motion was seconded by Commissioner Valeche and, upon being put to a vote, the vote was as follows:

Commissioner Mary Lou Berger, Mayor	- Aye
Commissioner Hal R. Valeche, Vice Mayor	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Shelley Vana	- Absent
Commissioner Steven L. Abrams	- Aye
Commissioner Melissa McKinlay	- Aye
Commissioner Priscilla A. Taylor	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 7, 2016.

Filed with the Clerk of the Board of County Commissioners on January 21, 2016.

This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

SHARON R. BOCK,  
CLERK & COMPTROLLER

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK & COMPTROLLER



EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND IN THE NORTHWEST QUARTER (NW1/4) OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST HALF (W ½), LESS THE EAST 15 FEET FOR ROAD PURPOSES, OF THE NORTH 117 OF THE FOLLOWING DESCRIBED TRACT:

THE SOUTH 700 FEET OF (1) THE WEST HALF (W ½) OF THE EAST HALF (E ½) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) AND (2) THE EAST HALF (E ½) OF THE EAST HALF (E ½) OF THE WEST HALF (W ½) OF THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼), LESS THE WEST 125 FEET OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA.

PCN: 00-43-42-19-00-000-3107

AND

FROM THE NORTHEAST CORNER OF THE NORWEST QUARTER (NW ¼) OF SECTION 19, TOWNSHIP 42 SOUTH, RANGE 43 EAST, PALM BEACH COUNTY, FLORIDA, PROCEED DUE WEST ALONG THE NORTH LINE OF SAID SECTION 19, A DISTANCE OF 486.67 FEET; THENCE SOUTH 0°01'55" WEST, A DISTANCE OF 275 FEET; THENCE SOUTH 16°32'40" WEST, A DISTANCE OF 101.25 FEET; THENCE SOUTH 7°48'40" WEST, A DISTANCE OF 142.75 FEET; THENCE SOUTH 00°56'40" EAST, A DISTANCE OF 22.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°56'40" EAST, A DISTANCE OF 100 FEET; THENCE SOUTH 89°51'10"EAST, A DISTANCE OF 169.85 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS AS FOLLOWS:

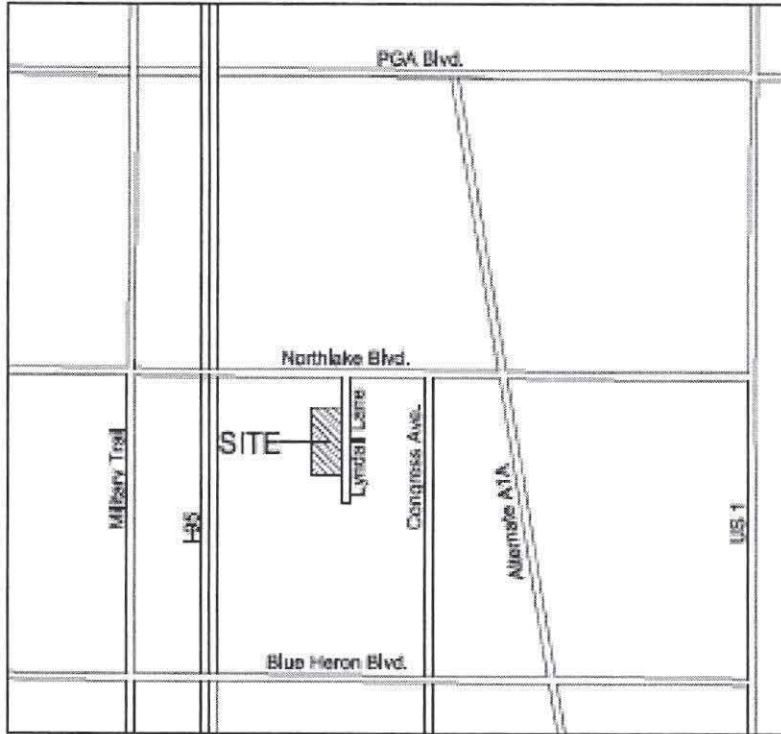
FROM THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER (NW ¼) OF SECTION 19, RUN THENCE WEST ON THE NORTH LINE OF SAID SECTION 19 (CENTER LINE OF LAKE PARK ROAD), A DISTANCE OF 486.67 FEET; THENCE RUN SOUTH 0°01'55" EAST, A DISTANCE OF 75 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF SAID LAKE PARK ROAD, THE POINT OF BEGINNING OF THIS EASEMENT; THENCE CONTINUE SOUTH 0°01'55" EAST, A DISTANCE OF 200 FEET; THENCE RUN SOUTH 16°32'40" WEST, A DISTANCE OF 101.25 FEET; THENCE RUN SOUTH 7°48'40" WEST, A DISTANCE OF 142.75 FEET; THENCE RUN SOUTH 0°56'40" EAST, A DISTANCE OF 122.51 FEET; THENCE RUN SOUTH 89°51'10" EAST, A DISTANCE OF 30 FEET; THENCE RUN NORTH 0°56'40" WEST, A DISTANCE OF 120.79 FEET; THENCE RUN NORTH 7°48'40" EAST, A DISTANCE OF 138.16 FEET; THENCE RUN NORTH 15°39'10" EAST, A DISTANCE OF 109.05 FEET; THENCE RUN NORTH 0°01'55" WEST, A DISTANCE OF 198.40 FEET TO A POINT IN SAID SOUTHERLY RIGHT OF WAY LINE OF LAKE PARK WEST ROAD; THENCE RUN WEST ON SAID RIGHT OF WAY LINE, A DISTANCE OF 30 FEET TO THE POINT OF BEGINNING.

PCN: 00-43-42-19-00-000-3111

CONTAINING IN ALL 37,602.261 SQUARE FEET / 0.863 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH

# Location Map



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Conditional Use Class A

##### ALL PETITIONS

1. The approved Preliminary Site Plan is dated October 15, 2015 and Regulating Plans is dated August 19, 2015. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

##### ENGINEERING

###### 1. TPS PHASING

In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2020. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall first occur first, the Property Owner shall provide to the Palm Beach County Land Development Division a road right of way deed and all associated documents as required by the County Engineer for 36 feet measured from the south right of way line of Lyndall Lane along the property frontage. All right of way deed(s) and associated documents shall be provided and approved. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey.

The Grantor must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up.

The Property Owner shall not record these required deeds or related documents. Palm Beach County will prepare a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPMT: MONITORING - Engineering)

3. Prior to issuance of the first building permit, the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPMT: MONITORING - Engineering)

##### HEALTH

1. Potable water well system shall be upgraded prior to the issuance of the Certificate of Occupancy (CO: HEALTH DEPARTMENT - Monitoring)

##### LANDSCAPE - GENERAL

1. Prior to the issuance of a Building Permit, the Property Owner shall submit a Landscape Plan to the Landscape section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related Conditions of Approval as contained herein. (BLDGPMT: BUILDING DIVISION - Building Division)

2. Prior to final Development Review Officer approval, the Applicant shall revise the FRP to illustrate the quantities of trees and shrubs to be relocated internally to site per ZR-2015-0029. (DRO: ZONING - Zoning)

#### **COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: ZONING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or

c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or

d. Referral to Code Enforcement; and/or

e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

#### **DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.